IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 8164 of 2007(V)

PETITIONER:

K.K.RAVI, S/O. KUNJIKKALAVAN,
AGED 58 YEARS, KAITHAVALAPPIL HOUSE,
KAIPAMANGALAM BEACH P.O., KODUNGALLUR TALUK.

BY ADV. SRI.B.RAMACHANDRAN
SMT.P.N.INDU

RESPONDENTS:
----

1. IRINJALAKKUDA TOWN CO-OPERATIVE BANK LTD., NO.55, IRINJALAKKUDA, REPRESENTED BY ITS SECRETARY.

2. THE SALE OFFICER, IRINJALAKKUDA TOWN CO-OPERATIVE BANK, IRINJALAKKUDA.

BY ADV. SRI.N.P.SAMUEL
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 **TRUE COPY OF JUDGMENT IN W.P.C.NO.31352/04**

EXT.P2 **TRUE COPY OF LETTER DTD. 2-11-04**

EXT.P3 **TRUE COPY OF LETTER DTD. 4-11-04 FROM R1**

EXT.P4 **TRUE COPY OF SALE NOTICE DTD. 6-2-2007**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

\- -

W.P.(c).No. 8164 OF 2007

\- -

Dated this the 5th day of October , 2007

JUDGMENT

Petitioner availed a loan. It is not repaid. Petitioner has approached this court seeking to quash the recovery proceedings. Ext.P3 is also challenged. There is also a direction sought to include the petitioner in the one time settlement and allow the petitioner to conduct private sale of the property to pay back the amount actually due to the respondents. Ext.P3 is dated 04/11/2004. Counter affidavit is filed by the first respondent. Therein, interalia, it is stated that Ext.R1(a) award was passed against the petitioner. Petitioner filed W.P.(C)No.31352/04. This court directed by Ext.P1 judgment to grant the benefit under one time settlement, if the petitioner was eligible for that and if the petitioner applied for the benefit within one week. Petitioner submitted Ext.P2 representation to which Ext.P3 reply was given and petitioner was given 15 days time to deposit 10% of the debt and balance had to be deposited in 10 equal instalments. It is also stated that as per the existing scheme, petitioner was

informed that interest can be reduced only regarding loans that become in arrears after 31-03-2001 and of the loans of doubtful recovery. But since the petitioner availed loan only on 29/03/2001 and there is no default of payment of instalments of the loan and so the benefit of reducing the contract interest would not arose at all, it is further stated.

Having regard to the fact that Ext.P3 is dated 04/11/2004 and petitioner seeks to challenge it on 09/03/2007, I decline my jurisdiction under Article 226 in respect of Ext.P3. Learned counsel for the petitioner submits that petitioner may be given time so that he can arrange for the private sale of the property. Having regard to all facts, proceedings will be kept in abeyance for a period of two months so as to enable the petitioner to carry out the private sale of the property for the realisation of the amount.

(K.M.JOSEPH, JUDGE)

sv.